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15	IN THE UNITED S	TATES DISTRICT COURT
16	FOR THE NORTHERN	DISTRICT OF CALIFORNIA
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18	WAGE AND HOUR LITIGATION,	Case No. C 06 02069 SBA
19		STIPULATION AND [PROPOSED] ORDER RE CONTINUANCE OF
20	This Document Relates To:	DEADLINE FOR FILING MOTION FOR CLASS CERTIFICATION
21	Case Nos.	CDASS CERTIFICATION
22	C 06 02069 SBA (Smith) and CV 06 05411 SBA (Ballard),	
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STIPULATION

WHEREAS, Defendant requested that Plaintiffs adhere to a deadline for the filing of any motion for class certification in this case, together with a set briefing schedule;

WHEREAS, the parties stipulated to the date of October 2, 2007 as the date for the filing of the motion for class certification, together with a set briefing schedule;

WHEREAS, the Court entered an Order on June 27, 2007 setting forth the date of October 2, 2007 as the date for the filing of the motion for class certification, together with a set briefing schedule;

WHEREAS, as a result of unfortunate and unexpected personal circumstances experienced by Plaintiffs' counsel, Plaintiffs have requested to extend the deadline for the filing of their motion for class certification from October 2, 2007 to October 12, 2007;

WHEREAS, Defendant has agreed to Plaintiffs' request for an extension,

WHEREAS, regardless of whether Plaintiffs file their motion for class certification prior to October 12, 2007, the Parties agree that the earliest date on which Plaintiffs will notice any such motion for class certification for hearing shall be December 11, 2007;

NOW, THEREFORE, the Parties hereby stipulate and agree to the following and ask that the Court approve this stipulation as an Order of the Court:

- 1. The Order entered on June 27, 2007, should be VACATED only as to that portion of the Order that pertains to the date of October 2, 2007 as the deadline for the filing of the motion for class certification;
- 2. Any motion asking that this action be certified to proceed as a class action must be filed on or before October 12, 2007; provided, however, Plaintiffs reserve the right to ask the Court to extend the deadline based on a showing of good cause;
- 3. In order to avoid prejudice to the Defendant by otherwise shortening the existing interval for its opposition under the current schedule, the earliest date on which Plaintiffs may notice their class certification motion for hearing (subject to availability on the Court's calendar) is Tuesday, December 11, 2007;

1	4. As set forth in the June 27, 2007 Order, with respect to any such motion to certify								
2	a class, the briefing parameters set forth in Civil Local Rule 7 pertaining to motions, are modified								
3	as follows:								
4	a. Civil Local Rule 7-2(a	a) is modified so that any motion must be filed,							
5	erved and noticed not less than 56 days prior to the hearing;								
6	b. Civil Local Rule 7-3(a								
7	filed not later than 28 days prior to the hearing;								
8	c. Civil Local Rules 7-2(b) and 7-3(a) are modified to provide both sides an								
9	additional 10 pages of briefing per side for opening and opposition briefs,								
10	d. Civil Local Rules 7-3(c) and 7-4(b) are modified to provide 5 additional								
11	pages for any reply papers.								
12	Dated: September 2007	MARLIN & SALTZMAN							
13		SCHWARTZ, DANIELS & BRADLEY BAILEY PINNEY PC LAW OFFICES OF PETER M. HART							
14		LAW OFFICES OF FETER M. HART							
15		By Maria							
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17		Attorneys for Plaintiff							
18									
19	Dated: September 28, 2007	MORGAN, LEWIS & BOCKIUS LLP REBECCA EISEN							
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21									
22		By De En							
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24		Attorneys for Defendant WAL-MART STORES, INC							
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	Pursuant to	o above a	Stipulation	n of the p	oarties, and	d for good	cause ap	pearing, i	i is so ora	lerea
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Dated:	10/2/		, 200	7.				00	✓	
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